

Remarks

Claims 1-35 are pending. By this amendment, claims 1, 5, 7, 8, 12, 14, 17 and 35 are amended. Claims 14-16 and 27-34 were previously withdrawn. Therefore, claims 1-13, 17-26 and 35 are presented for consideration.

I. Rejection of Claims 1-13, 17-26 and 35

Item 5 of the Office Action rejects claims 1-6, 8-13 and 35 under 35 U.S.C. § 102(b) over U.S. Patent 4,498,783 to Rudolph. Item 6 of the Office Action rejects claims 1-13, 17-26 and 35 under 35 U.S.C. § 102(b) over U.S. Patent 5,908,240 to Hood. These rejections are respectfully traversed.

Applicant respectfully submits that Rudolph and Hood do not teach or suggest all of the features of claims 1, 8 and 35. As currently amended, claim 1 recites a transfer pipe coupled with said receptacle via a rotary valve and a positive or negative pressure pneumatic source connected to said transfer pipe downstream of the rotary valve for transporting said blend from said receptacle along said transfer pipe. Claim 8 recites transfer means for directing said blend of additives from said receptacle, said transfer means including a transfer pipe coupled to said receptacle via a rotary valve, and a positive or negative pressure pneumatic source connected to said transfer pipe downstream of the rotary valve for transporting said blend from said receptacle along said transfer pipe. Claim 35 recites means for transferring said blend from said receptacle to a transfer pipe by way of a rotary valve, and means for transporting said blend in said transfer pipe by applying negative or positive pneumatic pressure to the transfer pipe downstream of the rotary valve. Support for these amendments is found in original claims 5 and 7 (reciting a rotary valve and a pressure source connected to a transfer pipe, respectively) and page 11, line 11 to page 12, line 16, for example. Page 7, lines 13-14 indicate that the pneumatic pressure source may be a blower or vacuum pump, i.e., a positive or negative pressure source.

Neither Rudolph or Hood teach a receptacle coupled to a transfer pipe via a rotary valve and a pneumatic source connected to the transfer pipe downstream of the rotary valve. As asserted in the Office Action, Rudolph teaches only a proportioning screw (as part of the removal device 41 and which is not a rotary valve as that term would be understood by one of skill in the art) that supplies mixed material to an extruder. In addition, Rudolph does not teach transporting material in a transfer pipe by pneumatic pressure. Although Hood teaches that cement in the mixing vessel may be forced out of the vessel by air pressure, Hood does not teach the use of a

rotary valve at the outlet 16 or a pneumatic source connected to a transfer pipe downstream of a rotary valve. Rather, Hood teaches a butterfly valve at the outlet 16 and a pressure source connected to the vessel. (See col. 3, lines 38-40 of Hood) As one of skill in the art would understand, the operation of butterfly valves and rotary valves is quite different, e.g., butterfly valves allow flow across the valve caused by a pressure differential across the valve, whereas rotary valves typically operate such that any pressure differential across the valve is largely maintained and material is moved through the valve by movement of vanes or other elements in the rotary valve. Therefore, connecting a pneumatic pressure source to the outlet pipe 40 or 41 downstream of the outlet 16 in Hood (as opposed to connecting a pneumatic pressure source to the vessel) would not operate to properly transport cement in the pipe 40 or 41, e.g., because cement would not be forced from the vessel and into the pipe 40 or 41. Therefore, Rudolph and Hood do not teach all of the features set forth in claims 1, 8 and 35.

Accordingly, claims 1, 8 and 35, and claims 2-7 and 9-13 which depend from claims 1 and 8, are allowable. Withdrawal of the §102 rejections of these claims is requested.

With respect to claim 17, Applicant submits that Hood does not teach or suggest all of the claimed features. For example, claim 17 recites a pneumatic pressure source connected to said transfer pipe downstream of said output of said receptacle that conveys said blend along said transfer pipe from near the output of said receptacle to the input of said asphalt mixing box. As discussed above, Hood does not teach or suggest a system in which a pneumatic pressure source is connected to a transfer pipe downstream of an output of a receptacle. In Hood, the pressure source is connected to the mixing vessel and causes cement to be forced through the outlet 16 and into the pipe 40 and 41. Connection of the pressure source to the pipe 40 or 41 downstream of the outlet 16 in Hood is not taught or suggested and would likely not cause the proper flow of cement from the vessel. Therefore, Hood does not teach or suggest all of the features of claim 17.

Accordingly, claim 17, and claims 18-26 which depend from claim 17, are allowable. Withdrawal of the §102 rejections of these claims is requested.

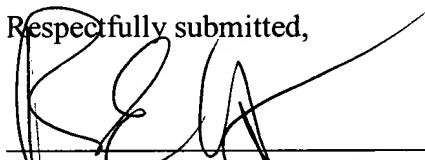
II. Restriction Requirement

Statements made in the June 26, 2003 Office Action regarding the restriction requirement between Group I (claims 1-13 and 17-26) and Group II (claims 14-16 and 27-34) are believed to be moot in view of the amendments to the claims. However, claims 14 and 35 are amended such that claim 35 remains a linking claim between Groups I and II. Upon allowance of claim 35, Applicant expects the restriction requirement to be withdrawn and claims in Group II to be considered on their merits. See MPEP 809.03

III. Conclusion

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,



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